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Dated: October 17, 2002

Signature: 

(Anthony G. Silko)

Docket No.: 28724/35321  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Mark E. Gardiner, et al.

Application No.: 09/415,471

Group Art Unit: 2877

Filed: October 8, 1999

Examiner: S. Nguyen

For: OPTICAL ELEMENT HAVING  
PROGRAMMED OPTICAL STRUCTURES

**REQUEST FOR TIMELY CONSIDERATION OF PAPERS  
SUBMITTED UNDER 37 C.F.R. § 1.8**

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

The attached Amendment A and Petition for Extension of Time was submitted under a certificate of facsimile transmission pursuant to 37 C.F.R. 1.8 on August 14, 2002.

After a telephone inquiry from Examiner Nguyen on October 16, 2002 first making applicant aware that the submission may not have been received by the Patent Office, it appears these papers were not received by the Patent Office or not matched with the Patent Office file, and the examiner was unable to otherwise locate the papers. Therefore, applicants are resubmitting the attached Amendment A and Petition for Extension of Time for consideration.

Applicants' undersigned attorney did personally attend to the transmission of the above-referenced Amendment A and Petition for Extension of Time (totaling 13 pages) and hereby does personally attest to the same. A copy of the sending unit transmission report indicating that 14 (13 + 1 transmittal page) pages were transmitted to and received at telephone facsimile no. 703-308-7722 is attached.

Application No.: 09/415471

Timely consideration of the attached Amendment A and Petition of Extension of Time under 37 C.F.R. 1.8(b) is respectfully requested.

The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855.

Dated: October 17, 2002

Respectfully submitted,

By   
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